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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,811	06/26/2003	Eran Steinberg	FN102-D	7949
30349	7590	09/12/2007	EXAMINER	
JACKSON & CO., LLP 6114 LA SALLE AVENUE #507 OAKLAND, CA 94611-2802			SETH, MANAV	
ART UNIT		PAPER NUMBER		
2624				
NOTIFICATION DATE		DELIVERY MODE		
09/12/2007		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/608,811	STEINBERG ET AL.
	Examiner	Art Unit
	Manav Seth	2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 06 June 2007.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-30 is/are pending in the application.
  - 4a) Of the above claim(s) 10-15 and 25-30 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-9 and 16-24 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 06/26/2007 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892).
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 07/05/07, 01/15/04, 01/12/04.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

***Response to Restriction Requirement***

1. The response to restriction requirement received on June 06, 2007 has been entered in full.
2. Applicant in the response to restriction requirement as filed elects only Group I for examination without traverse and as per the applicant's election, only Group I claims have been examined herein.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-9 and 16-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ray et al, European Patent No. EP1128316A1, and further in view of Steinberg et al., U.S. Patent No. 6,151,073.

Regarding claim 1, Ray discloses within a digital acquisition device with a built in flash unit, a method of controlling the exposure of an acquired digital image using face detection in said acquired image (page 2, lines 44 – 50; page 4, lines 32-35; page 5, para. [0032], lines 54-58 through page 6, lines 1-8);

Ray further discloses identifying a plurality of groups of pixels that correspond to plurality of images of faces within said digitally acquired image (page 4, lines 32-35; page 5, para. [0032], lines

54-58 through page 6, lines 1-8 – detection of multiple faces in an image where multiple faces corresponds to plurality of groups of pixels), Ray further discloses determining corresponding image attributes to said groups of pixels, performing an analysis of said corresponding image attributes of said group of pixels and determining to activate said built-in flash unit based on said analysis (page 5, lines 1-8, determining illumination (exposure) which being the image attributes and then performing analysis on attributes to activate said built-in flash unit),

Ray further discloses that “If the illumination is inadequate, the flash control algorithm 84 will activate and control the flash unit” (page 6, lines 7-8) which clearly shows controlling the flash unit based on the analysis but do not explicitly teach this step in detail and therefore do not expressly teach determining an intensity of said built in flash unit. However, Steinberg which belongs to the same field of endeavor teaches determining an intensity of said built-in flash unit based on the said analysis of the image attributes (col. 3, lines 1-15). Therefore, it would have been obvious for one of ordinary skill in the art at the time of invention was made to combine the teachings of Steinberg with that of Ray because both references are directed to the same field of endeavor for controlling the exposure by the built-in flash unit and Steinberg when combined with Ray would provide a technique for controlling flash exposure which would adaptively provide a optimum flash exposure that would adaptively conserve total flash energy with increased accuracy (See Steinberg, col. 3, lines 1-32).

Regarding claim 2, Ray discloses an initial step of calculating image attributes on an entire said acquired digital image and comparing said image attributes to said image attributes of said groups of pixels (page 6, lines 1-8). See Steinberg (col. 4, lines 55-68 through col. 7).

Regarding claim 3, the subject matter of claim 3 has been discussed in the rejection of claim1, therefore, claim 3 has been similarly analyzed and rejected as per claim 1.

Regarding claim 4, Ray discloses exposure being calculated as a function of one or more parameters including aperture, speed, gain, or relative sensitivity, or combination thereof (page 3, lines 56-57). See Steinberg for further information as applicant itself has agreed (specification, page 33, last few lines of last para.) to be taught by Steinberg.

Regarding claim 5, Ray discloses said group of pixels of faces being given a certain weight based on weight criteria (page 5, lines 57-58; page 6, lines 1-8- largest face (size)). See Steinberg, (col. 2, lines 50-52; col.8, lines 19-56).

Regarding claims 6 and 7, Steinberg discloses said weight criteria being calculated based on distance of said groups of pixels to the camera and based on relative sizes of said groups of pixels ((col. 2, lines 50-52; col.8, lines 19-56)).

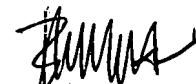
Regarding claims 8 and 9, Steinberg discloses performing a pre-flash based on said calculated flash intensity to determine whether said analysis is accurate (col. 2, lines 37-49; col. 3, lines 1-10) and further performing a second analysis based on said pre-flash (col. 3, lines 10-14).

Claims 16-24 have been similarly analyzed and rejected as per claims 1-9.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manav Seth whose telephone number is (571) 272-7456. The examiner can normally be reached on Monday to Friday from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta, can be reached on (571) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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SUPERVISORY PATENT EXAMINER  
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Manav Seth  
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September 3, 2007